

Testimony of Rep. Sheryl Albers
AB 361 Child in need of protection or services, jurisdiction over a child
Senate Committee on Judiciary, Corrections and Housing
January 16, 2008

Good afternoon Chairwoman Taylor and Committee Members. Thank you for holding a public hearing on Assembly Bill 361 relating to a child in need of protection or services, jurisdiction over a child whose guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign a petition requesting that jurisdiction.

An error occurred in Richland County. The county acted in a manner perhaps it should not have. The effect of that mistake has created a situation that is wholly unacceptable.

A minor age child who has now been in foster care since birth is at risk of no longer being covered through human services for health care needs and the child cannot be covered through the foster parents although they are interested and more than willing to proceed with adoption of the child; however, the county's previous mistake prevents that from happening. The county failed to extend the child's Children in Need of Protection or Services (CHIPS) order, and now, because the child is in a safe home under the guardianship of his foster parents, the court cannot take jurisdiction over the child's case.

The Legislature changed the law in 2001 Wisconsin Act 109 to allow CHIPS orders to remain in effect until a child reaches 18 years of age; however our change came after this family's CHIPS order had already expired and does not help in this situation.

The county's remedy, given their error, is to urge the foster parents to submit a petition to the court requesting the juvenile court to take jurisdiction. Because the foster parents are essentially the parents of this child, they would then have to claim that they need assistance to provide special treatment or care to the child followed by the court declaring the same. This, the foster parents refuse to do.

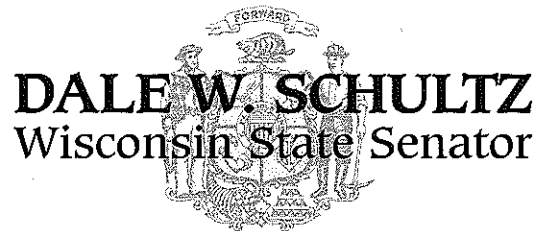
These foster parents have provided the child - who otherwise would have no place to go - with a warm and loving home. They have provided for this child who has severe physical and mental health issues that warrant ongoing attention and cost. The costs for care and treatment have thus far been met by the county; however, the county continues to threaten that at some point the foster parents will be deemed ineligible and the child will be without benefits.

Such a circumstance is unfortunate and should be avoided. AB 361 is our third attempt to bring remedy to this situation. AB 361 passed unanimously in the Assembly. This is a bill put forth to help specific concerns in my home district and is very important to our constituent. We need to rectify a

very unfortunate situation. AB 361 as a way to protect the child, the foster parents and to hold the county harmless in this matter.

I would be happy to answer questions but I would feel better having the legislative council attorney answer them as she was present for our meetings on this subject and helped draft AB 361.

Thank you again for holding a hearing on AB 361.



Date: January 16, 2008

**To: Senator Taylor, Chair & Members
Senate Committee on Judiciary, Corrections & Housing**

From: Senator Dale W. Schultz

Subj: Testimony in Support of Assembly Bill 361

I thank you for the opportunity to testify in support of Assembly Bill 361 relating to: child in need of protection or services, jurisdiction over a child whose guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign a petition requesting that jurisdiction. Representative Albers and I have introduced Assembly Bill 361 to rectify an unfortunate situation that faces a family in our districts.

This bill would assist a family in Richland County whose lives were turned upside down because of an error made by the county Human Services Department. The Daniels, a loving couple who have welcomed a child with special needs into their lives through foster care and would like to one day adopt the child, are stuck in a legal mess because the county failed to extend the child's CHIPS order. Mr. Daniels is here today and can explain his situation in detail.

This family has been through countless meetings, phone calls, and letters with DHFS, Richland County, myself and Representative Albers, not to mention many lawyers. What we have learned from all of this time spent is that their only hope is this bill. All this couple wants to do is love and provide for this child. I ask that you help them do that by moving this bill forward in the legislative process. Thank you for your consideration and time.

